

EXHIBIT Q

C O N F I D E N T I A L

Page 1		Page 3	
UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA ----- In Re: Bair Hugger Forced Air Warming Products Liability Litigation This Document Relates To: All Actions MDL No. 15-2666 (JNE/FLM) ----- DEPOSITION OF ALBERT P. VAN DUREN VOLUME I, PAGES 1 - 285 NOVEMBER 7, 2016 (The following is the deposition of ALBERT P. VAN DUREN, taken pursuant to Notice of Taking Deposition, via videotape, at the offices of Ciresi Conlin L.L.P., 225 South 6th Street, Suite 4600, Minneapolis, Minnesota, commencing at approximately 8:57 o'clock a.m., November 7, 2016.)		I N D E X EXHIBITS DESCRIPTION PAGE MARKED Ex 46 Van Duren curriculum vitae 7 47 510(k) Summary of Safety & Effectiveness dated January 10, 1996, 3MBH00047382-3 64 48 Letter dated June 1, 2000, Westlin to Office of Device Evaluation, 3MBH00046971-2 71 49 E-mail string, 3MBH01031246 77 50 E-mail string, 3MBH00126140-2 80 51 E-mail, 3MBH00042651 87 52 Forced-air warming blowers: An evaluation of filtration adequacy and airborne contamination emissions in the operating room, by Albrecht, et al 89 53 E-mail with attachment, 3MBH00107862-72 91 54 Volcano Technical Team October 30, 2013 meeting minutes, 3MBH00147330 111 55 E-mail with attachment, 3MBH00510508-11 112 56 Letter dated February 11, 1998,	
Page 2		Page 4	
1 APPEARANCES: 2 On Behalf of the Plaintiffs: 3 Jan M. Conlin and Michael A. Sacchet 4 CIRESI CONLIN L.L.P. 5 225 South 6th Street, Suite 4600 6 Minneapolis, Minnesota 55402 7 Genevieve M. Zimmerman 8 MESHBESHER & SPENCE, LTD. 9 1616 Park Avenue 10 Minneapolis, Minnesota 55404 11 Gabriel Assaad 12 KENNEDY HODGES 13 4409 Montrose Boulevard, Suite 200 14 Houston, Texas 77006 15 On Behalf of Defendants: 16 Jerry W. Blackwell and Peter J. Goss 17 BLACKWELL BURKE P.A. 18 432 South Seventh Street, Suite 2500 19 Minneapolis, Minnesota 55415 20 ALSO APPEARING: 21 Ronald M. Huber, Videographer 22 23 24 25		1 Van Duren to Crothers, 2 3MBH00931085 123 3 57 E-mail string, 3MBH00025739 132 4 58 3M Bair Hugger Model 505 Warming 5 Blanket Service Manual 135 6 59 E-mail string, 3MBH00003027-32 136 7 60 E-mail string, 3MBH00003006-7 144 8 61 E-mail string, 3MBH00981248-9 148 9 62 E-mail string, 3MBH00527331 160 10 63 E-mail string, 3MBH00001873-5 167 11 64 Cobra team document, 12 3MBH00973242-3 179 13 65 E-mail string, 3MBH00002508-12 184 14 66 E-mail string, 3MBH00981250-1 189 15 67 E-mail string, 3MBH01485746-7 199 16 68 E-mail string, 3MBH00024639 208 17 69 E-mail string, 3MBH00001579 217 18 70 E-mail, 3MBH01523137 224 19 71 Augustine Medical AMI Model 20 750 Warming Unit, The Cobra 21 Project, dated 9/20/2000, 22 3MBH00975056-85 235 23 72 E-mail string, 3MBH00042660-1 246 24 73 E-mail string, 3MBH00511305-6 249 25 74 E-mail with attachment,	

1 (Pages 1 to 4)

C O N F I D E N T I A L

<p style="text-align: right;">Page 5</p> <p>1 3MBH00042623-50 253</p> <p>2 75 Forced-Air Warming Does Not Worsen</p> <p>3 Air Quality in Laminar Flow</p> <p>4 Operating Rooms, by Sessler, et</p> <p>5 al 253</p> <p>6 76 Forced-air warming systems, OR</p> <p>7 air quality, and orthopedic</p> <p>8 SSI, by Van Duren, 3MBH01185189-</p> <p>9 207 259</p> <p>10 77 Graph, Joint infection rate and</p> <p>11 BH unit sales by year,</p> <p>12 3MBH00554267 274</p> <p>13 78 E-mail, 3MBH00002647 279</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. Okay. Who at Arizant was involved in that</p> <p>2 process?</p> <p>3 A. I don't know for certain. I'm -- I'm -- I'm</p> <p>4 sure that the senior management was involved in those</p> <p>5 discussions, but I -- I don't have personal knowledge</p> <p>6 of exactly who was involved, other than my boss, Gary</p> <p>7 Hansen.</p> <p>8 Q. Okay. And so you weren't involved in what</p> <p>9 is known as the due diligence or the opening up of</p> <p>10 documents for 3M to review to ascertain whether they</p> <p>11 want to make the acquisition of Arizant?</p> <p>12 A. No.</p> <p>13 Q. Okay. Do you know if Mr. Hansen was</p> <p>14 involved?</p> <p>15 A. I assume that he was. I don't know for</p> <p>16 sure, but I assume that he was.</p> <p>17 Q. Okay.</p> <p>18 MR. BLACKWELL: And for the record, you</p> <p>19 don't need to assume anything.</p> <p>20 THE WITNESS: Okay.</p> <p>21 MR. BLACKWELL: It's about what you know.</p> <p>22 (Exhibit 46 was marked for</p> <p>23 identification.)</p> <p>24 BY MS. CONLIN:</p> <p>25 Q. I have handed you, Mr. Van Duren, what's</p>
<p style="text-align: right;">Page 6</p> <p>1 PROCEEDINGS</p> <p>2 (Witness sworn.)</p> <p>3 ALBERT P. VAN DUREN</p> <p>4 called as a witness, being first duly sworn,</p> <p>5 was examined and testified as follows:</p> <p>6 ADVERSE EXAMINATION</p> <p>7 BY MS. CONLIN:</p> <p>8 Q. Good morning, sir. Can you state your full</p> <p>9 name for the record.</p> <p>10 A. Albert Philip Van Duren.</p> <p>11 Q. And by whom are you currently employed?</p> <p>12 A. By 3M.</p> <p>13 Q. How long have you been employed by 3M?</p> <p>14 A. 3M acquired the company I worked for in</p> <p>15 October of 2010, so since then.</p> <p>16 Q. Okay. And the company that you previously</p> <p>17 worked at was Arizant?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay. And prior to that time it was known</p> <p>20 as Augustine Medical?</p> <p>21 A. Sometime before that, yes.</p> <p>22 Q. Okay. And were you involved, sir, in the</p> <p>23 discussions between Arizant and 3M that gave rise to</p> <p>24 the acquisition of Arizant by 3M in October of 2010?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 8</p> <p>1 been marked as Deposition Exhibit No. 46, which I will</p> <p>2 represent to you was a resume that was also produced</p> <p>3 and marked at your deposition in the Walton case.</p> <p>4 MR. BLACKWELL: Just take a moment and you</p> <p>5 can look through it.</p> <p>6 A. Yes. Okay.</p> <p>7 Q. Okay. And this -- this Deposition Exhibit</p> <p>8 46, your resume, takes you up through -- it says</p> <p>9 October 2014 through present. My understanding is</p> <p>10 that at least since March of 2016 your new title has</p> <p>11 been director of scientific affairs and education,</p> <p>12 Patient Warming Business. Is that an addition that is</p> <p>13 not reflected in Exhibit 46?</p> <p>14 MR. BLACKWELL: Object to the form of the</p> <p>15 question.</p> <p>16 A. So in -- in March of 2016 I did become</p> <p>17 director of scientific affairs for the Patient Warming</p> <p>18 Business.</p> <p>19 Q. Okay. And what are your duties and</p> <p>20 responsibilities as director of scientific affairs and</p> <p>21 education in the Patient Warming Business?</p> <p>22 A. I interact with key opinion leaders and</p> <p>23 scientific affairs -- scientific advisory board</p> <p>24 members, I consult with the business about scientific</p> <p>25 topics and clinical topics to help guide marketing</p>

2 (Pages 5 to 8)

C O N F I D E N T I A L

<p style="text-align: right;">Page 273</p> <p>1 airflow in laminar airflow operating rooms.</p> <p>2 Q. And when was that work done, sir?</p> <p>3 MR. BLACKWELL: Object as asked and</p> <p>4 answered.</p> <p>5 A. Last year.</p> <p>6 Q. So in 2015.</p> <p>7 A. I believe so.</p> <p>8 Q. Okay. And this presentation was in 2014;</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. Now you mentioned on this page the</p> <p>12 Huang and Moretti studies, is that right, with your</p> <p>13 conclusion "Forced air warming systems do not worsen</p> <p>14 OR air quality," and you cite the Huang and Moretti</p> <p>15 articles; correct?</p> <p>16 A. I did, yes.</p> <p>17 Q. Okay. Well those -- those weren't</p> <p>18 laminal -- laminar flow studies; right, sir?</p> <p>19 A. I --</p> <p>20 Moretti was not. I'm not certain about</p> <p>21 Huang.</p> <p>22 Q. It was a bacterial-count study; wasn't it,</p> <p>23 sir?</p> <p>24 A. It was, but I don't know if it was conducted</p> <p>25 in a laminar airflow setting.</p>	<p style="text-align: right;">Page 275</p> <p>1 marked as Exhibit 77, which is a one-page chart.</p> <p>2 You prepared this; correct?</p> <p>3 A. I believe I did.</p> <p>4 Q. What was the purpose of it?</p> <p>5 A. My boss asked me to look -- compare the rate</p> <p>6 of Bair Hugger segment penetration with the rate of</p> <p>7 joint infections --</p> <p>8 Q. Okay.</p> <p>9 A. -- in the U.S.</p> <p>10 Q. And what data did you use to prepare this?</p> <p>11 A. Sales data for the Bair Hugger units, and</p> <p>12 the National Inpatient Survey sample for most of</p> <p>13 the -- well I think for all of the infection-rate</p> <p>14 data.</p> <p>15 Q. Okay. And do you remember what specific</p> <p>16 codes you used to compile this data?</p> <p>17 A. Well they are listed here, so they're ICD-9</p> <p>18 codes 996.66, and trying to remember -- so there --</p> <p>19 So the infection -- the infection rate was</p> <p>20 996.66, and those were divided by the procedure codes</p> <p>21 for hips and knees and maybe revision surgeries.</p> <p>22 Q. Do you know whether it included revision</p> <p>23 surgeries?</p> <p>24 A. I just did when I was doing this. I don't</p> <p>25 know why. It made sense to put that in the</p>
<p style="text-align: right;">Page 274</p> <p>1 Q. Well did you know, at the time you wrote</p> <p>2 this in your conclusions, to be presented to a group</p> <p>3 that's trying to make a decision whether to use Bair</p> <p>4 Hugger in -- in orthopedic surgeries?</p> <p>5 A. I -- I may have.</p> <p>6 Q. It was a -- it was --</p> <p>7 If I represented to you it wasn't a laminar</p> <p>8 flow situation, would you agree that this statement on</p> <p>9 here is -- is not a fair one?</p> <p>10 MR. BLACKWELL: I object for lack of</p> <p>11 foundation and -- and object to form of the question.</p> <p>12 A. Well I --</p> <p>13 The statement is that "Forced air warming</p> <p>14 systems do not worsen OR air quality." It doesn't say</p> <p>15 anything about laminar airflow.</p> <p>16 Q. Okay. So you would stand by that statement.</p> <p>17 A. Yes.</p> <p>18 MS. CONLIN: Okay. Why don't we take a</p> <p>19 break here.</p> <p>20 THE REPORTER: Off the record, please.</p> <p>21 (Recess taken.)</p> <p>22 (Exhibit 77 was marked for</p> <p>23 identification.)</p> <p>24 BY MS. CONLIN:</p> <p>25 Q. I've handed you, Mr. Van Duren, what's been</p>	<p style="text-align: right;">Page 276</p> <p>1 denominator.</p> <p>2 Q. Okay. I'm just asking if you know for sure</p> <p>3 that you included revisions in this graph.</p> <p>4 A. I'd have to actually look up these</p> <p>5 individual ICD-9 codes --</p> <p>6 Q. Well --</p> <p>7 A. -- and procedure codes.</p> <p>8 Q. -- 81.53 is the code for hip revisions. Do</p> <p>9 you see that on there anywhere?</p> <p>10 A. I don't.</p> <p>11 Q. Okay. And if we look at this graph, then,</p> <p>12 you've got two --</p> <p>13 Just if we look at 2012, you've got an</p> <p>14 infection rate on the 996.66 -- or on the first red</p> <p>15 line you've got an infection rate of a little over</p> <p>16 four percent, and then you've got another line a</p> <p>17 little under five percent; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. So that was --</p> <p>20 Your conclusion is the rates of joint</p> <p>21 infections as of 2012?</p> <p>22 A. This is a rate, so the --</p> <p>23 There are two different rates here. And</p> <p>24 again, I'd have to look up the procedure codes. I'm</p> <p>25 not really sure what the denominators represent.</p>

69 (Pages 273 to 276)